

ISSUE DATE: October 28, 1998

DOCKET NO. G-008/CIP-96-443.02

ORDER PERMITTING WITHDRAWAL OF APPEAL AND CLOSING DOCKET

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Edward A. Garvey  
Joel Jacobs  
Marshall Johnson  
LeRoy Koppendrayner  
Gregory Scott

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of the Center for Energy and  
Environment's Appeal of the Commissioner of  
Public Service's Decision to Modify  
Minnegasco's Low Income Weatherization  
Project

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**PROCEDURAL HISTORY**

On March 13, 1998 the Center for Energy and Environment (CEE) filed an appeal under Minn. Stat. § 216B.241 from the decision of the Commissioner of Public Service to modify the Low Income Weatherization Project, one of the projects making up Minnegasco's Conservation Improvement Program (CIP).

On April 10, 1998 CEE filed a petition seeking an Order requiring Minnegasco to produce specified documents and information. On May 11, 1998 the Commission issued an Order granting the petition. On June 19, 1998 the Commission issued an Order denying reconsideration of the May 11 Order.

On August 19, 1998 CEE filed a withdrawal of its appeal. CEE stated that it was satisfied with the criteria and the process which Minnegasco planned to use to select projects and vendors for the 1999-2000 CIP year and believed that it should focus its resources on participating in that process. CEE also stated that at a later date it would provide a summary of the data acquired under the May 11 Order to Commission staff, the Department of Public Service, and Minnegasco.

On August 27, 1998 Minnegasco filed comments supporting withdrawal of the appeal.

On September 8, 1998 the Department of Public Service (the Department) filed comments supporting withdrawal of the appeal, but objecting to CEE's intention to provide additional information to Commission staff and the other parties to the proceeding.

On October 22, 1998 the matter came before the Commission.

## **FINDINGS AND CONCLUSIONS**

The Commission agrees with the parties that CEE should be permitted to withdraw its appeal. Neither the public interest nor any party's interest would be prejudiced by withdrawal. Withdrawal will be permitted and the docket will be closed.

Any procedural issues resulting from CEE's subsequent provision of information obtained in this docket to Commission, Department, and Minnegasco staff will be resolved if and when those issues arise. Trying to anticipate and resolve them now would be premature.

The Commission will so order.

## **ORDER**

1. The Conservation Improvement Program appeal filed by the Center for Energy and Environment is hereby withdrawn.
2. This docket is hereby closed.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar  
Executive Secretary

(S E A L)

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